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Zhongfengxueind 1 LEONARDO M. RAPADAS United States Attorney FREDERICK A. BLACK 3 Assistant U.S. Attorney OCT - 5 2005 no Suite 500, Sirena Plaza 108 Hernan Cortez Ave. MARY L.M. MORAN Hagåtña, Guam 96910 TEL: (671) 472-7332 CLERK OF COURT 6 FAX: (671) 472-7334 Attorneys for the United States of America 7 8 9 IN THE UNITED STATES DISTRICT COURT FOR THE TERRITORY OF GUAM 10 11 05 - 00071CRIMINAL CASE NO. UNITED STATES OF AMERICA, 12 **INDICTMENT** 13 Plaintiff. FALSE SWEARING IN 14 VS. **IMMIGRATION MATTER** [18 U.S.C. § 1546(a)] 15 ZHONGFENG XUE, **PERJURY** [18 U.S.C. § 1621] 16 Defendant. 17 18 THE GRAND JURY CHARGES: 19 **COUNT 1 - FALSE SWEARING IN IMMIGRATION MATTER** 20 On or about the 25th day of March, 2005, in the District of Guam, the defendant, 21 22

ZHONGFENG XUE, did knowingly subscribe as true under penalty of perjury under 28 U.S.C. § 1746, a false statement with respect to a material fact in an Application for Asylum and for Withholding of Removal, a document required by immigration law or regulation prescribed thereunder, to wit, that is, that he had never been in immigration court proceeding; that he had last left his country on June 13, 2004; that his most recent entry into the United States was on Guam on October 15, 2004; and that he had come to Guam on a fishing boat in October of 2004,

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which said statements the defendant then and there knew were false, in that he had previously been in immigration court proceedings; had not left his country on June 13, 2004; his most recent entry into the United States was not on Guam on October 15, 2004; and that he had not come to Guam on a fishing boat in October of 2004, in violation of Title 18, United States Code, Section 1546(a).

COUNT 2 - PERJURY

- 1. On or about the 25th day of March, 2005, in the District of Guam, ZHONGFENG XUE, did submit a material written Application for Asylum and for Withholding of Removal, executed under penalty of perjury under the format of 28 U.S.C. § 1746, in which he did willfully and knowingly state material matters which he did not believe to be true, that is to say: that he had never been in immigration court proceeding; that he had last left his country on June 13, 2004; that his most recent entry into the United States was on Guam on October 15, 2004; and that he had come to Guam on a fishing boat in October of 2004.
- 2. At the time and place aforesaid the Immigration and Naturalization Service (INS), did require that applications for asylum by it be in writing and executed in the format provided by 28 U.S.C. § 1746. It was material to such asylum application that the applicants state if the applicant had ever previously been in immigration court proceeding, when the applicant had last left his country, when was the applicant's most recent entry into the country.
- 3. At the time and place aforesaid, ZHONGFENG XUE, submitted a signed written Application for Asylum to the INS, which contained the following statement: "I declare under penalty of perjury that the forgoing is true and correct. Executed on March 25, 2005. Signature Zhongfeng Xue." The application signed and submitted by ZHONGFENG XUE, did falsely state that the statements in paragraph one, above, were true.
- 4. The aforesaid statements in the application signed and submitted by ZHONGFENG XUE, as he then and there well knew and believed, were false in that he had previously been in

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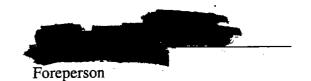
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immigration court proceedings; had not left his country on June 13, 2004; his most recent entry into the United States was not on Guam on October 15, 2004; and that he had not come to Guam on a fishing boat in October of 2004

All in violation of Title 18, United States Code, Section 1621.

Dated this 5th day of October, 2005.

A TRUE BILL.



LEONARDO M. RAPADAS United States Attorney Districts of Guam and NMI

FREDERICK A. BLACK
Assistant U.S. Attorney

RUSSELL C. STODDARD First Assistant U.S. Attorney

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| Criminal Case Cover Sh | eet | | | U.S. District Court |
|--|---------------|---------------------------------------|----------|---------------------------------------|
| Place of Offense: City <u>Hagåtña</u> | | Related Case Information: | | |
| • | | | | 05 00051 |
| Country/Parish | | Superseding Indictment Same Defendant | | |
| | | Search Warrant Case Number | | |
| | | R 20/ R 40 from District of | | |
| Defendant Information: | | | | |
| Juvenile: Yes | _ NoX | Matter to be sealed: Yes | XNo | |
| Defendant Name | Zhongfeng Xue | | | |
| Alias Name | | | | |
| Address | | | | |
| | | | | |
| Birthdate <u>1969</u> SS# <u> </u> | None Sex | M Race A Nationality C | Chinese | |
| U.S. Attorney Information | ı : | | | |
| AUSA <u>Frederick A. Bla</u> | ck | | | |
| Interpreter: No | X Yes Lis | t language and/or dialect: Chinese/ | Mandarin | |
| Location Status: | | | | |
| Arrest Date | | | | |
| Already in Federal Cus | tody as of | in | | |
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| On Pretrial Release | 7 | | | |
| U.S.C. Citations | | | | |
| Total # of Counts:2 | | Petty Misdemeanor | X Felony | |
| Index Key/ | <u>Code</u> | Description of Offense Charge | <u>d</u> | Count(s) |
| Set 1 18 USC 1546 | <u>F</u> | alse Swearing in Immigration Matter | | 1 |
| Set 2 <u>18 USC 1621</u> | <u>_</u> | Perjury | | 2 |
| Set 3 | | | | |
| Set 4 | | | 1000 | RECEIVE |
| | | (May be continued on reverse) | | Thomas P |
| Date: 10-6-05 | Signati | ure of AUSA: | 4. Black | OCT - 6 2005 |
| | | | | DISTRICT COURT OF GU HAGATNA, GUAM |